

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TQP DEVELOPMENT, LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	No. 2:12-CV-61-JRG-RSP
	§	
WELLS FARGO BANK, N.A.,	§	CONSOLIDATED
	§	
Defendant.	§	JURY TRIAL DEMANDED
	§	
TQP DEVELOPMENT, LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	No. 2:10-CV-446-JRG-RSP
	§	
DELL INC., ET AL.	§	JURY TRIAL DEMANDED
	§	
Defendants.	§	
	§	

STIPULATED MOTION FOR DISMISSAL WITH PREJUDICE

The plaintiff TQP Development, LLC and defendant Costco Wholesale Corporation pursuant to Fed. R. Civ. P. 41(a)(2) and (c), hereby move for an order dismissing all claims between them, including all claims relating to U.S. Patent No. 5,412,730 and its *ex parte* reexamination certificate issued on September 20, 2011, No. US 5,412,730 C1, in the lead consolidated case, *TQP Development, LLC v. Wells Fargo Bank, N.A.*, Case No. 2:12-cv-61, and *TQP Development, LLC v. Dell Inc.*, Case No. 2:10-cv-446, WITH PREJUDICE, with each party to bear its own costs, expenses and attorneys' fees.

SO STIPULATED:

July 10, 2013

Respectfully submitted,

<p>By: <u>/s/ Scott E. Davis</u> Scott E. Davis</p> <p>John D. Vandenberg (OR Bar No. 893755) john.vandenberg@klarquist.com Scott E. Davis (OR Bar No. 022883) scott.davis@klarquist.com Derrick W. Toddy (OR Bar No. 072043) derrick.toddy@klarquist.com KLARQUIST SPARKMAN, LLP 121 S.W. Salmon Street, Suite 1600 Portland, Oregon 97204 Telephone: (503) 595-5300 Facsimile: (503) 595-5301</p> <p>Attorneys for Defendant COSTCO WHOLESALE CORPORATION</p>	<p>By: <u>/s/ Paul A. Kroeger</u> Paul A. Kroeger</p> <p>Marc A. Fenster, CA SB No. 181067 Email: mfenster@raklaw.com Kevin P. Burke, CA SB No. 241972 Email: kburke@raklaw.com Adam S. Hoffman, CA SB No. 218740 Email: ahoffman@raklaw.com Alexander C.D. Giza, CA SB No. 212327 Email: agiza@raklaw.com Paul A. Kroeger, CA SB No. 229074 Email: pkroeger@raklaw.com Russ August & Kabat 12424 Wilshire Boulevard, 12th Floor Los Angeles, CA 90025 Telephone: (310) 826-7474 Facsimile: (310) 826-699</p> <p>Andrew W. Spangler, State Bar No. 24041960 Email: spangler@sfipfirm.com Spangler & Fussell P.C. 208 N. Green St., Suite 300 Longview, TX 75601 Telephone: (903) 753-9300 Facsimile: (903) 553-0403</p> <p>James A. Fussell, III, State Bar No. 2003193 Email: fussell@sfipfirm.com Spangler & Fussell P.C. 211 N. Union Street, Suite 100 Alexandria, VA 22314 Telephone: (903) 753-9300 Facsimile: (903) 553-0403</p> <p>Attorneys for Plaintiff TQP DEVELOPMENT, LLC</p>
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CRTIFICATE OF SERVICE

I hereby certify that on the 10th day of July, 2013, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Marshall Division, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Paul A. Kroeger

Paul A. Kroeger

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Plaintiff and Defendant have conferred regarding the foregoing Motion, and Defendant does not oppose the relief sought.

Dated: July 10, 2013

/s/ Paul A. Kroeger

Paul A. Kroeger